

Exhibit 4

From: Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>
Sent: Friday, August 19, 2022 7:12 PM
To: Wohlforth Jr., E. Evans
Cc: Andrew Dunlap; Dominic Budetti; Meredith Nelson; Reich, Kevin R.; Caracappa, Michael V.; Katherine Lieb; George A. LoBiondo; Adeel A. Mangi
Subject: Re: SaveOnSP - Stip. and Order re Briefing Schedule on Mot. to Stay Discovery.DOCX

Thanks Evans.

Jeff

Jeffrey J. Greenbaum
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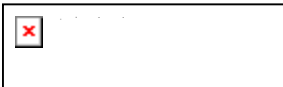
On Aug 19, 2022, at 5:42 PM, Wohlforth Jr., E. Evans <EWohlforth@gibbonslaw.com> wrote:


***** External Email *****

Jeff—Thank you for your response. The stipulation is being filed now. On consultation with my colleagues, we propose that the parties could negotiate and submit disputes about the scope of discovery, custodians, search terms, date ranges, protective order, and ESI protocol during the preliminary discovery period. We would not agree to the production of documents or depositions until the court decides the motion to dismiss. The balance of our emails appear to accurately set forth the positions of the parties, although we would place the emphases differently. --Evans

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From: Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>

Sent: Friday, August 19, 2022 4:15 PM

To: Wohlforth Jr., E. Evans <EWohlforth@gibbonslaw.com>

Cc: Andrew Dunlap <adunlap@selendygay.com>; Dominic Budetti <dbudetti@selendygay.com>; Meredith Nelson <mnelson@selendygay.com>; Reich, Kevin R. <KReich@gibbonslaw.com>; Caracappa, Michael V. <MCaracappa@gibbonslaw.com>; Katherine Lieb <klieb@sillscummis.com>; George A. LoBiondo <globiondo@pbwt.com>; Adeel A. Mangi <aamangi@pbwt.com>

Subject: RE: SaveOnSP - Stip. and Order re Briefing Schedule on Mot. to Stay Discovery.DOCX

Evans:

Thanks for preparing the proposed stipulation and order and agreeing to the dates we discussed. We have slight revisions to the stipulation on the attached redline. If acceptable, please feel free to efile this afternoon.

As to our discussion of competing plans, I have a few observations. As to your proposal, if I understood correctly, you were proposing that any disputes—e.g., regarding the scope of discovery, search terms, custodians, form of Protective Order, E-Discovery Protocol and the like—could not be submitted to the Magistrate Judge during this period. Similarly I did not understand that you would be making any production of documents during this period or even commencing review of the documents identified through your searches. Thus as we understand it, document discovery could not effectively proceed during the entirety of the period that it takes to have the motion to dismiss resolved. Let me know if I have misunderstood your position.

As to clarify our proposal, we would agree, at least for a five month period, not to push for depositions during that period. The parties would meet and confer on dates to move forward expeditiously on document production with the hope of completing that aspect in the five month period. It would of course be without prejudice to discussing an extension of that period if the motion had not yet been resolved and the parties were moving along in good faith expeditiously to complete the document production during that period. During that period we would not be barred from seeking help from the Magistrate Judge to resolve any disputes to facilitate the completion of document production.

We of course too remain open to continuing discussions on a way to move forward with discovery during the period the motion is pending.

Best,

Jeff

Jeffrey J. Greenbaum

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From: Wohlforth Jr., E. Evans <EWohlforth@gibbonslaw.com>

Sent: Friday, August 19, 2022 11:35 AM

To: Jeffrey Greenbaum <JGREENBAUM@sillscummis.com>

Cc: Andrew Dunlap <adunlap@selendygay.com>; Dominic Budetti <dbudetti@selendygay.com>;
Meredith Nelson <mnelson@selendygay.com>; Reich, Kevin R. <KReich@gibbonslaw.com>; Caracappa,
Michael V. <MCaracappa@gibbonslaw.com>

Subject: SaveOnSP - Stip. and Order re Briefing Schedule on Mot. to Stay Discovery.DOCX

*** External Email ***

Dear Jeff: Please find attached a proposed stipulation memorializing the dates we discussed for the motion to stay, our motion to be served September 2 and your opposition on September 12. I also write to memorialize that we discussed the possibility of coming to a consensual resolution regarding discovery during the pendency of the motion to dismiss.

I proposed on behalf of defendant SaveOnSP that we would have a preliminary discovery period to last until the motion was decided. During this period the parties could work through the several tasks necessary to begin full paper discovery (including the exchange of initial disclosures, negotiation of an ESI protocol, negotiation of search terms and custodians, service of document requests and interrogatories and objections to same), but delay actual production until the motion was decided. Upon the decision of the motion to dismiss and assuming the case survives motion, we would agree to an expedited substantial completion date for paper discovery and other discovery to follow. This proposal was crafted to move the discovery process forward without prejudicing either party or wasting resources during the pendency of our motion.

You stated that this would be a non-starter for your client. As I understood your counterproposal, you suggested that we begin these preliminary tasks and also commence substantive paper discovery immediately with a substantial completion date of approximately five months from now, depositions and expert discovery to follow. As I anticipated on our call, this proposal is not acceptable to our client either. We remain willing, however, to negotiate a reasonable path forward in lieu of judicial intervention.

Please let me know if I have missed anything material from our discussion and whether you approve our draft stipulation. Regards, Evans

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